

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>KIMBERLY MYERS,</b>	:	
	Plaintiff	<b>CIVIL ACTION</b>
	:	
<b>v.</b>	:	
	:	
<b>ANGELO CHRISTOPHER MOORE a/k/a</b>	:	<b>NO. 2:10-cv-824-JD</b>
<b>D. Madd Vibe; FISHBONE;</b>	:	
<b>SILVERBACK ARTIST</b>	:	
<b>MANAGEMENT; THE TRUSTEES OF</b>		
<b>THE UNIVERSITY OF PENNSYLVANIA</b>		
<b>d/b/a World Café and/or World Café Live!</b>		
<b>And d/b/a WXPN and/or XPN; REAL</b>		
<b>ENTERTAINMENT PHILADELPHIA,</b>		
<b>INC. D/b/a/ World Café and/or World</b>		
<b>Café Live!</b>		
	<b>Defendants.</b>	

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**O R D E R**

**AND NOW**, this 22nd day of September, 2011, upon consideration of defendant Real Entertainment-Philadelphia, Inc.'s Motion for Partial Summary Judgment (Document No. 61, filed July 6, 2011), Plaintiff's Response to Defendant Real Entertainment-Philadelphia, Inc.'s Motion for Partial Summary Judgment on Punitive Damages (Document No. 67, filed July 29, 2011), and Real Entertainment-Philadelphia, Inc.'s Reply Brief in Support of Motion for Partial Summary Judgment (Document No. 69, filed August 6, 2011), it appearing from the motion that defendant Real Entertainment-Philadelphia, Inc., seeks partial summary judgment on the issue of punitive damages, for the reasons stated in the Memorandum dated September 22, 2011, **IT IS ORDERED** that defendant Real Entertainment-Philadelphia, Inc.'s Motion for Partial Summary Judgment is **DENIED** without prejudice to the right of the said defendant to raise the issue of punitive damages by motion for a judgment as a matter of law under Fed. R. Civ. P. 50 at the

close of plaintiff's case-in-chief. Until the Court rules on any such motion, neither party will be permitted to reference punitive damages or punishing defendant Real Entertainment-Philadelphia, Inc. in the presence of the jury, nor will either party be permitted to mention Real Entertainment-Philadelphia, Inc.'s financial condition in the presence of the jury. However, Real Entertainment-Philadelphia, Inc. shall be prepared to produce evidence of its net worth at the conclusion of plaintiff's case-in-chief in the event the Court rules that the issue of punitive damages should be submitted to the jury.

**BY THE COURT:**

\_\_\_\_/s/ Hon. Jan E. DuBois\_\_\_\_

**JAN E. DUBOIS, J.**